



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/634,723	08/05/2000	Sher (Karim) . Sachedina	BOYKP103us	2558

7590 02/02/2004

Himanshu S Amin
Amin Eschweiler & Turocy LLP
24th Floor National City Center
1900 East 9th Street
Cleveland, OH 44114

EXAMINER

MEINECKE DIAZ, SUSANNA M

ART UNIT	PAPER NUMBER
----------	--------------

3623

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/634,723

Applicant(s)

SACHEDINA, SHER (KARIM)

Examiner

Susanna M. Diaz

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) 2,9,10,12-15,17-20 and 34-40 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8,11,16 and 21-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This Non-Final Office action is responsive to Applicant's election of Species V, filed December 30, 2003.

Claims 2, 9, 10, 12-15, 17-20, and 34-40 stand as withdrawn claims. (Upon allowance of the claims directed toward Species V, all other species may be rejoined assuming that there is support in the disclosure for the combination of species, as claimed.)

Claims 1, 3-8, 11, 16, and 21-33 are presented for examination.

Claim Objections

2. Claims 1, 21, 26, and 29 are objected to because of the following informalities:
Claim 1, line 6, insert --least one-- before "process"
Claim 21, line 7, insert --of-- after "indicative"
Claim 26, line 3, insert --with-- before "achieving"
Claim 29, line 3, insert --with-- before "achieving"
Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 26-28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear what is meant by "for at least a second of the plurality of accounts the adjusted budget data" in lines 3-4 of claim 26. There seems to be either a missing or extraneous phrase between "for at least a second of the plurality of accounts" and "the adjusted budget data."

Claims 27 and 28 are dependent from claim 26 and therefore inherit the same rejection under 35 U.S.C. § 112, 2nd paragraph.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 22-33 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to

promote the “progress of science and the useful arts” (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts. Claims 22-33 recite steps that could be performed entirely in the mind of a human and are therefore not necessarily limited to the technological arts. Consequently, claims 22-23 are deemed to be non-statutory. In order to remedy this rejection, it is respectfully suggested that one of the core steps of the invention (e.g., “determining a value of adjusted data...” be explicitly recited as performed by a computer, processor, etc.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, 3-5, 11, 16, and 21-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Groat et al. (US 2001/0032155 A1).

Groat discloses a user interface to facilitate at least one of analysis and planning of business operations, comprising:

Art Unit: 3623

[Claim 1] a first user interface component for selecting operating parameters for at least one of a budgeting and forecasting process, the selected operating parameters including at least one account of a plurality of defined accounts and a time period associated with the at least one process (Fig. 1; ¶¶ 44, 59, 62, 71);

a second user interface element characterizing a method component used to derive base data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

a third user interface element characterizing an impact value adapted to adjust the base data to provide adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59); and

a display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for the at least one account (Fig. 1; ¶¶ 32-39, 59);

wherein the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with the at least one account (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 3] wherein the third user interface element, upon being selected, is adapted to display a list of active impact components associated with the at least one account, each of the impact components being selectable to modify attributes associated with each respective impact component (Fig. 1; ¶¶ 53, 59);

[Claim 4] wherein the impact value for the at least one account is an aggregate of impact values from each of the active impact components (¶¶ 32-46, 53, 59);

[Claim 5] wherein the at least one account includes a plurality of selected accounts of the plurality of defined accounts, each account of the plurality of selected accounts having an associated second user interface element characterizing a method component used to derive associated base data and an associated third user interface element characterizing an impact value adapted to adjust the corresponding derived base data and provide adjusted data for each respective account, the display portion having display areas adapted to display an indication of at least one of the base data and the adjusted data for each of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

wherein each of the second and third user interface elements are selectable to effect a change in the respective method component and impact value associated with an associated one of the plurality of selected accounts (Fig. 1; ¶¶ 32-46, 53, 59);

[Claim 11] wherein the third user interface element further characterizes key result area data associated with the at least one account, the key result area data including a key result area impact value indicative of a desired result for the at least one account, the key result impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 16] a fourth user interface element that characterizes a selectable manual impact value associated with the at least one account, the fourth user interface element being associated with a method component adapted to generate key result area data having another key result impact value corresponding to the manual impact value, the

Art Unit: 3623

manual impact value corresponding to at least part of the impact value (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86);

[Claim 21] wherein the third user interface element is operatively associated with a key result area component that characterizes a desired result for the at least one account, the key result area component providing data indicative of a key result impact value for the at least one account, the third user interface element being further associated with an action plan component that characterizes a objective for another account of the plurality of accounts, the action plan component including data indicative of an action plan impact value for the at least one account that identifies a cost factor associated with achieving the objective (Fig. 1; ¶¶ 32-46, 53, 59, 68, 86).

Groat discloses a method to facilitate at least one of budgeting, planning, analysis and forecasting, the method comprising the steps of:

[Claim 22] storing account data indicative of account activities for a plurality of accounts over an account time period (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

defining impact data having an impact value for at least one account of the plurality of accounts (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

generating base data for each selected account of the plurality of accounts, each selected account including an associated method that is applied to the stored account data to determine the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86); and

determining a value of adjusted data as a function of the impact data and the base data (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

Art Unit: 3623

[Claim 23] wherein the impact data includes key result area data having a definable key result area impact value indicative of a desired result for the at least one account, the defined impact value for the at least one account including the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 24] selectively modifying the key result area data which, in turn, modifies the defined impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 25] wherein the key result data further includes an associated method component that is applied to at least one of the stored account data and the base data to derive the key result area impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 26] wherein the impact data further includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least a second of the plurality of accounts the adjusted budget data, the defined impact value for the at least account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 27] selectively modifying at least one of the key result area data and the action plan data, which, in turn, modifies the defined impact value according to the step of selectively modifying (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 28] wherein the adjusted data defines a first budget, the method further including the steps of modifying at least one of the key result area data and the action plan data and generating a second adjusted budget based on the modified user interface element (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 29] wherein the impact data includes action plan data having an action plan impact value for the at least one account indicative of a cost associated with achieving an objective for at least a second account of the plurality of accounts, the defined impact value for the at least one account including the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 30] wherein the action plan data further includes an associated method that is applied to at least one of the stored account data and the base data to derive the action plan impact value (Fig. 1; ¶¶ 32-46, 53, 59, 62, 68, 71, 86);

[Claim 31] defining calendar data having a calendar time period and a starting day and aligning a plurality of time periods in the stored account data relative to the starting day (¶¶ 44, 62, 71);

[Claim 32] wherein the step of aligning further includes the steps of locating a day in each of a plurality of time periods associated with stored account data that matches the starting day of the calendar data (¶¶ 44, 62, 71); and

aligning each of the plurality of time periods of the stored account data so that each of the plurality of time periods has a starting day that matches the starting day of the calendar data, whereby each day associated with each of the plurality of time periods is aligned with a corresponding day of the calendar time period (¶¶ 44, 62, 71).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3623

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 6-8 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Groat et al. (US 2001/0032155 A1), as applied to claims 1, 5, and 31 above.

[Claims 6-8] Groat allows a user to view the effects of different factors on a financial model over a given period of time (Fig. 1; ¶ 71); however, the user is limited to viewing these effects by date. In other words, Groat does not expressly state that data from different periods of time is displayed concurrently. Nor does Groat explicitly disclose the concurrent display of the effects of various factors on the financial model. However, Official Notice is taken that it is old and well-known in the art of computer presentations to concurrently display various factors, scenarios, etc. that are being compared to one another. The concurrent display of compared information facilitates the quick and efficient assessment of data due to its proximity and organized arrangement on a single display screen. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to enhance Groat's fourth user interface with the ability to, upon activation, concurrently display the adjusted data and corresponding data for each of the plurality of selected accounts for a different period of time from that shown in the display areas based on account data stored in connection with each of the plurality of selected accounts (claim 6) and, upon activation, concurrently display the adjusted data and corresponding data for the at least one account for a different period of time from that shown in the display area based on account data stored for the at least one account (claim 7), wherein the fourth user

interface component further is adapted to display a daily comparison of the adjusted data and the corresponding data from the at least one account (claim 8) in order to facilitate the quick and efficient assessment of the recited data due to its proximity and organized arrangement on a single display screen, which is consistent with Groat's goal of "[allowing] a user to see how the status of the financial model will change over a given period of time" (§ 71).

[Claim 33] Groat teaches the step of designating the at least one account for a selected event and determining an attribute impact value for the designated account, the attribute impact value being determined as a function of the stored account data for the designated account for a corresponding event in the stored account data, the defined impact value for the at least one account including the attribute impact value (Fig. 1; §§ 32-46, 53, 59, 62, 68, 71, 86). Groat fails to expressly disclose that the corresponding event occurs in at least one other year; however, Groat does disclose an individual's retirement date as being an account-affecting factor (§ 59). Additionally, Official Notice is taken that it is old and well-known in the art of retirement planning that many people who take it upon themselves to implement a retirement plan do so at least one year prior to actually retiring. This practice helps to ensure that one will have sufficient income on which to survive after retirement. Therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to utilize Groat's invention with a designated account for a corresponding event in at least one other year in order to reap the benefits of Groat's

invention in a financial application that requires long-term planning, such as retirement planning.

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

**Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450**

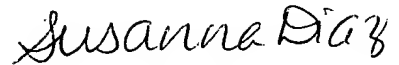
or faxed to:

(703)305-7687 [Official communications; including
After Final communications labeled
"Box AF"]

(703)746-7048 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Art Unit: 3623

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.



Susanna M. Diaz
Patent Examiner
Art Unit 3623
January 25, 2004